

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

VERDIA KING	PLAINTIFF
V.	CIVIL ACTION NO. 3:06CV00301-DPJ-FKB
KOCH FOODS OF MISSISSIPPI, LLC	DEFENDANT

WILLIE GATEWOOD	PLAINTIFF
V.	CIVIL ACTION NO. 3:07CV00082-DPJ-FKB
KOCH FOODS OF MISSISSIPPI, LLC	DEFENDANT

EMMA BRISCOE	PLAINTIFF
V.	CIVIL ACTION NO. 3:07CV00083-DPJ-FKB
KOCH FOODS OF MISSISSIPPI, LLC	DEFENDANT

AMY DAVIS	PLAINTIFF
V.	CIVIL ACTION NO. 3:09CV00731-DPJ-FKB
KOCH FOODS OF MISSISSIPPI, LLC	DEFENDANT

MARDOQUO LOPEZ	PLAINTIFF
V.	CIVIL ACTION NO. 3:09CV00732-DPJ-FKB
KOCH FOODS OF MISSISSIPPI, LLC	DEFENDANT

SHERLEONA NASH, ET AL.	PLAINTIFFS
V.	CIVIL ACTION NO. 3:09CV00766-DPJ-FKB
KOCH FOODS OF MISSISSIPPI, LLC	DEFENDANT

PRISCILLA BILBRO, ET AL.	PLAINTIFFS
V.	CIVIL ACTION NO. 3:09CV00767-DPJ-FKB
KOCH FOODS OF MISSISSIPPI, LLC	DEFENDANT

MARY D. BODY, ET AL.		PLAINTIFFS
V.		
KOCH FOODS OF MISSISSIPPI, LLC	CIVIL ACTION NO. 3:09CV00794-DPJ-FKB	DEFENDANT

PEGGYE ANN BURKS, ET AL.		PLAINTIFFS
V.		
KOCH FOODS OF MISSISSIPPI, LLC	CIVIL ACTION NO. 3:09CV00795-DPJ-FKB	DEFENDANT

SENDY ANDERSON, ET AL.		PLAINTIFFS
V.		
KOCH FOODS OF MISSISSIPPI, LLC	CIVIL ACTION NO. 3:10CV00039-HTW-LRA	DEFENDANT

ANTONIO ADAMS, ET AL.		PLAINTIFFS
V.		
KOCH FOODS OF MISSISSIPPI, LLC	CIVIL ACTION NO. 3:10CV00047-WHB-LRA	DEFENDANT

D.L. BENNETT, ET AL.		PLAINTIFFS
V.		
KOCH FOODS OF MISSISSIPPI, LLC	CIVIL ACTION NO. 3:10CV00057-HTW-LRA	DEFENDANT

JOINT MOTION TO CONSOLIDATE

The PARTIES to the above-styled causes file this JOINT MOTION TO CONSOLIDATE the above-styled causes as a collective action for purposes of carrying out a class settlement and seeking Court approval of the same. In support of their motion, the parties state as follows:

1. The above-styled cases are all civil actions filed against Koch Foods of Mississippi, LLC ("Koch Foods") by current or former employees asserting similar claims under the Fair Labor Standards Act ("FLSA"). The vast majority of the plaintiffs in these cases were

previously either named or opt-in plaintiffs to a collective action pending in this Court styled *Verdia King v. Koch Foods*, Civil Action No. 3:06cv301-DPJ-FKB, which was later consolidated under the case styled *Willie Gatewood et al. v. Koch Foods of Mississippi, LLC*; 3:07-cv-00082. On October 20, 2009, the collective action was decertified, all opt-in plaintiffs' were dismissed without prejudice, and the five remaining named plaintiffs' claims were severed by Order of this Court. Subsequently, many of the previously dismissed opt-in plaintiffs and a few other new plaintiffs filed the *Sherleona Nash*, *Priscilla Bilbro*, *Mary D. Body*, *Peggy Ann Burks*, *Sendy Anderson*, *Antonio Adams*, and *D.L. Bennett* actions.

2. On June 21, 2010, the parties to all of the pending actions against Koch Foods, by and through counsel, entered into a Confidential Settlement Agreement in which the parties agreed to settle all of the plaintiffs' pending FLSA claims on a class-wide basis. Pursuant to the Confidential Settlement Agreement, the parties agreed to jointly move the Court for consolidation of these cases as a collective action for the sole purposes of carrying out the parties' settlement, seeking the Court's approval of the settlement, and administering the settlement. The parties further agreed to request that the case styled *Verdia King v. Koch Foods*, Civil Action No. 3:06cv301-DPJ-FKB, be designated at the lead case and that the consolidated cases be assigned to United States Magistrate Judge Keith Ball for purposes of issuing a Report and Recommendation addressing whether the Agreement should be approved.

3. Consolidation of these cases is the most efficient means to effectuate the parties' settlement and to petition the Court for approval and confirmation of the settlement agreement. Moreover, consolidation of these cases for the stated purposes will not serve to prejudice any of the parties or putative class members.

WHEREFORE, the parties respectfully request that the Court grant their motion and consolidate all of the above-styled causes as a collective action under *Verdia King v. Koch Foods*, Civil Action No. 3:06cv301-DPJ-FKB, for purposes of carrying out the parties' settlement agreement, seeking Court approval of the settlement, and administering the settlement. The parties also request that the consolidated cases be assigned to United States Magistrate Judge Keith Ball for purposes of issuing a Report and Recommendation addressing whether the Agreement should be approved.

This the 23 day of June, 2010.

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

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CERTIFICATE OF SERVICE

I, *Scott W. Pedigo*, certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of the filing to all counsel as listed below:

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DATED: June 23, 2010.

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